



City of McMinnville
Planning Department
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STAFF REPORT

DATE: August 11, 2020
TO: Mayor and City Councilors
FROM: Chuck Darnell, Senior Planner
SUBJECT: Ordinance No. 5095 – PDA 1-20 (Planned Development Amendment)

STRATEGIC PRIORITY & GOAL:

 <p>GROWTH & DEVELOPMENT CHARACTER Guide growth & development strategically, responsively & responsibly to enhance our unique character.</p>	 <p>HOUSING OPPORTUNITIES (ACROSS THE INCOME SPECTRUM) Create diverse housing opportunities that support great neighborhoods.</p>
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Report in Brief:

This action is the consideration of Ordinance No. 5095, an ordinance approving a Planned Development Amendment that would amend the conditions of approval of the Planned Development Overlay District adopted by Ordinance No. 4667. The amendments would result in the allowance of multiple family dwellings and community buildings associated with residential uses and amendments to the existing 35 foot building height limitation. The amendments would also result in the addition of new conditions of approval requiring future review of a master plan prior to any development of the site, requiring a minimum of 10 percent of the site to be developed with usable open space if the site is developed with multiple family dwellings, and other minor procedural amendments to reflect current development review processes.

Background:

The subject property is located west of SE Norton Lane. The property is more specifically described as Parcel 1, Parcel 2, and Parcel 3, Partition Plat 2007-12. The property is also identified as Tax Lots 400, 404, and 405, Section 27, T. 4 S., R. 4 W., W.M. See Vicinity Map (Figure 1) below.

Attachments:

Attachment A: Ordinance No. 5095 including Exhibit A – PDA 1-20 Decision Document

Attachment B: Ordinance 4667

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Figure 1. Vicinity Map (Property Lines Approximate)

In 1998, the City approved Ordinance 4667 which adopted the Planned Development Overlay District that exists on the subject site and the adjacent parcels today. Ordinance 4667 included 21 conditions of approval. Those conditions of approval are still applicable to the property and are provided in Ordinance 4667, which is included as Attachment B to this staff report. Two conditions of approval that are applicable to the current Planned Development Amendment request (PDA 1-20) limit the uses allowed within the Planned Development Overlay District and also limited the height of buildings within the overlay district. Those conditions of approval are provided below:

3. No building shall exceed the height of 35 feet.

7. That the subject site, outside of that area identified for "future development" is limited to professional office use, medical office use, or other compatible, small-scale commercial uses such as a delicatessen, florist, or day care facility. Uses other than professional office use or medical office use may not exceed fifteen (15) percent of the total floor area proposed to be constructed within the subject site.

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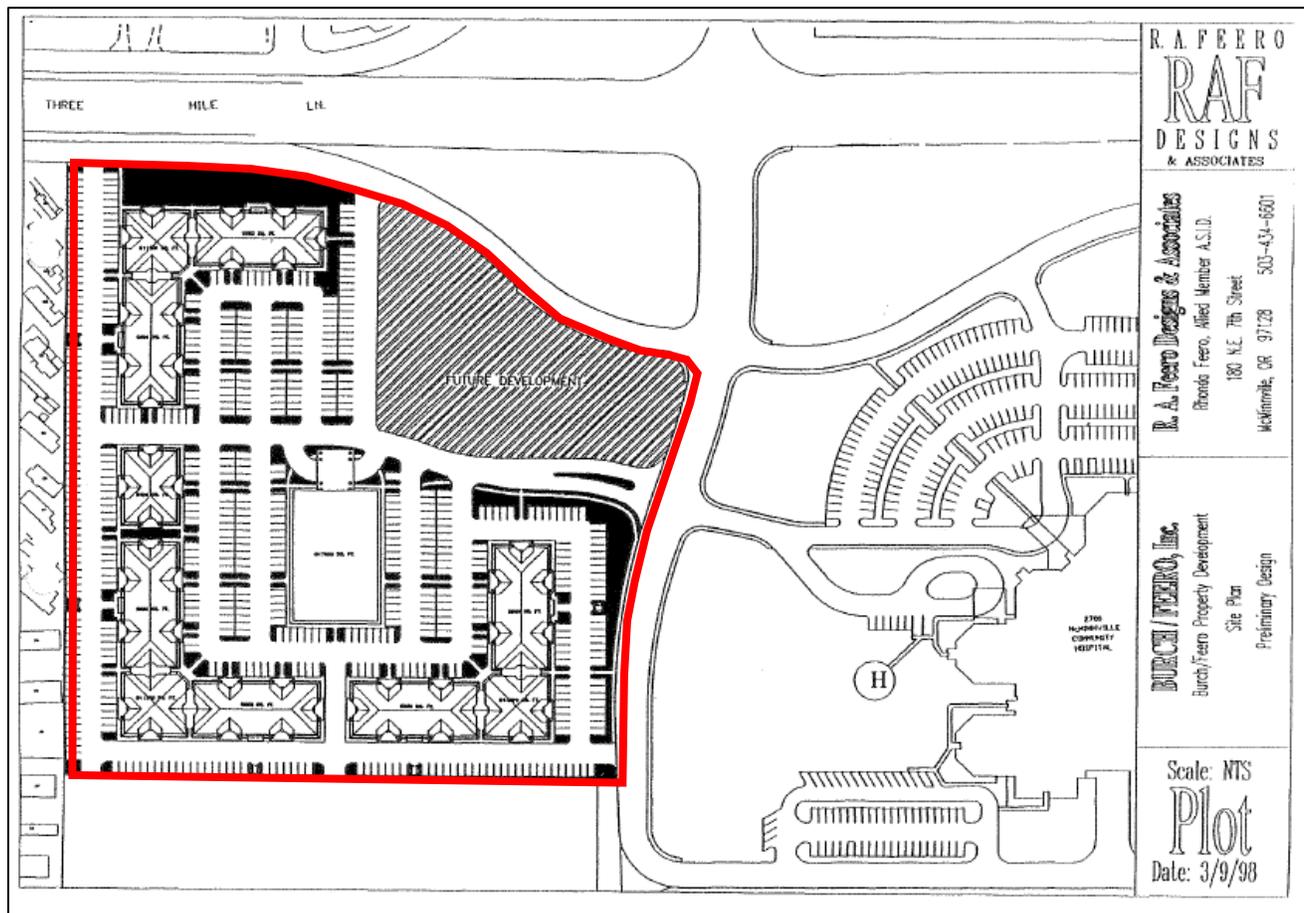
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Ordinance 4667 also adopted a master plan for the Planned Development Overlay District, which is shown below (property subject to the master plan highlighted):



As shown above, Ordinance 4667 and the master plan originally included all of the property at the southwest quadrant of the intersection of SE Stratus Avenue and SE Norton Lane. Only portions of the property in the master plan area have developed since the adoption of Ordinance 4667, and further land divisions and Planned Development Amendment applications have occurred since the adoption of Ordinance 4667.

In 2001, the property within the master plan area was partitioned into three parcels by Partition Plat 2001-40. Parcel 1 of Partition Plat 2001-40 was the southeastern office building in the master plan, and has since been developed in accordance with the master plan. Parcel 2 of Partition Plat 2001-40 is the subject site associated with the current Planned Development Amendment request (PDA 1-20). Parcel 3 of Partition Plat 2001-40 is the “Future Development” area shown in the Ordinance 4667 master plan.

Partition Plat 2001-40 is shown below:

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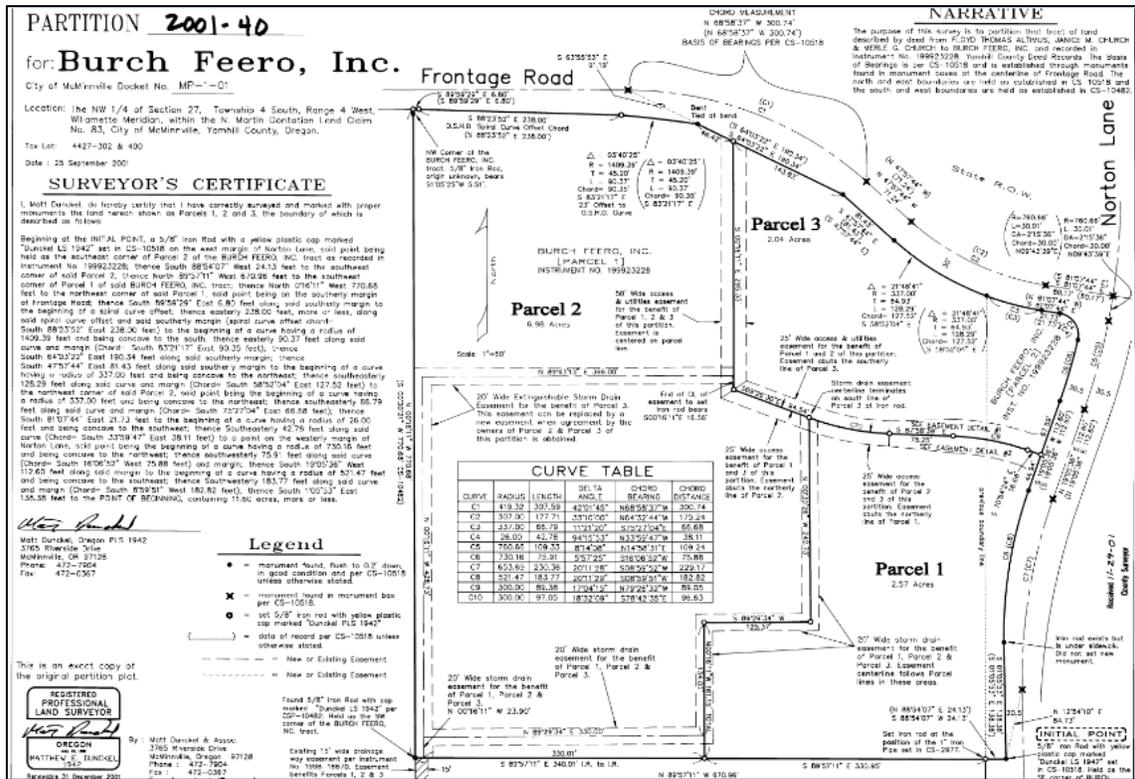
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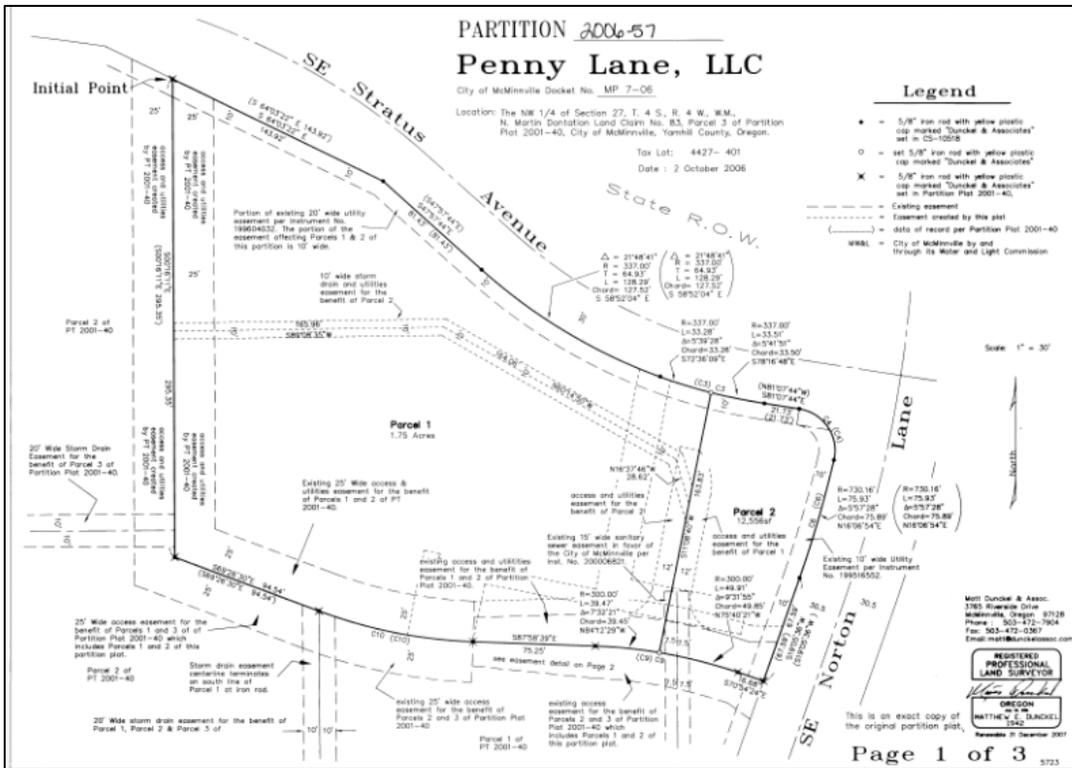
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The area shown as "Future Development" in the master plan was then partitioned again by Partition Plat 2006-57 into two parcels. Partition Plat 2006-57 is shown below:



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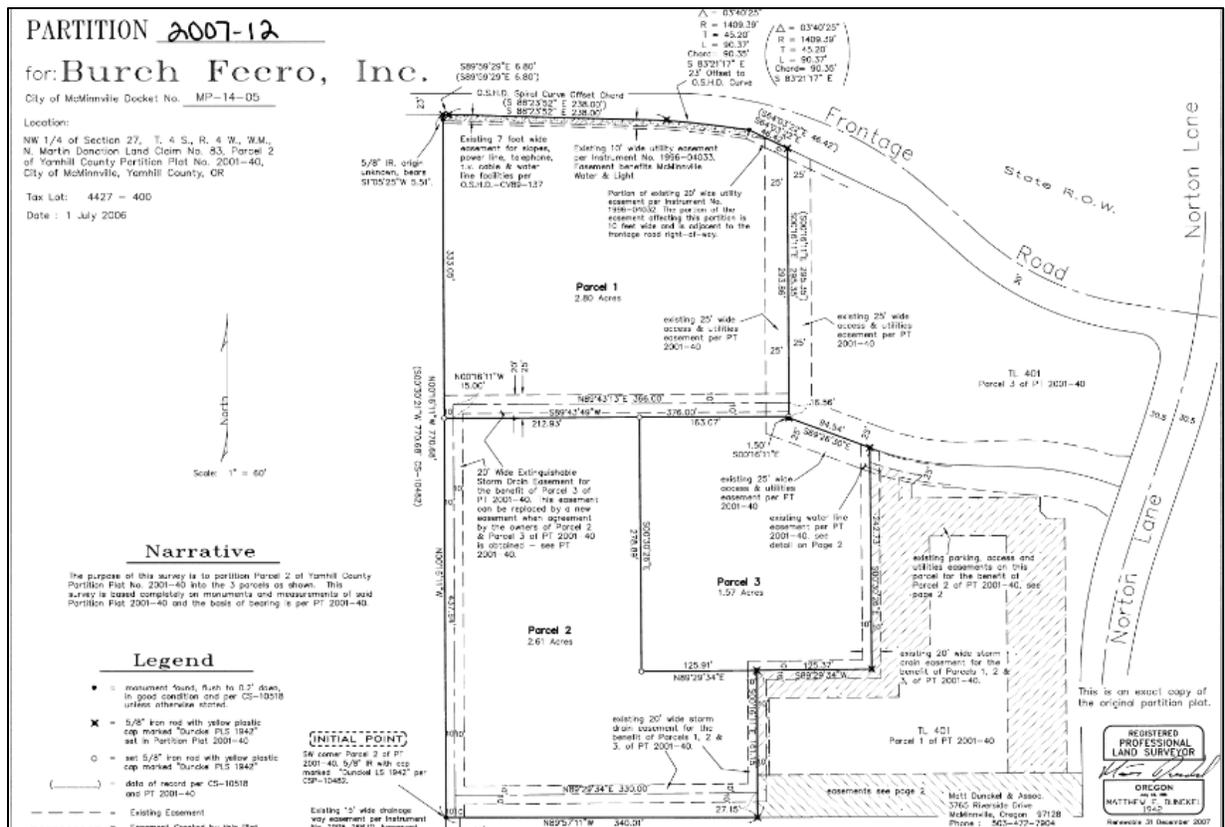
Parcel 1 of Partition Plat 2006-57 is now the site of the Comfort Inn and Suites, and was developed as approved under a subsequent Planned Development Amendment application that was approved after the adoption of Ordinance 4667 and applied only to that “Future Development” area. Ordinance 4851 was adopted in 2006, and amended the allowable building height to allow buildings up to 45 feet in height, but only applied to Parcel 1 of Partition Plat 2006-57 (referred to as Tax Lot 401 at the time and in Ordinance 4851). Ordinance 4851 actually amended condition #3 from Ordinance 4667 as follows:

“No building shall exceed the height of 35 feet, with the exception that tax lot 401 may be developed with a hotel with a maximum height of 45 feet, consistent with the drawing and plan submitted to the City as part of Docket ZC 10-05.”

Development of Parcel 2 of Partition Plat 2006-57 was later approved by Ordinance 4884 in 2007 and Ordinance 4937 in 2011 which amended the allowable uses from Ordinances 4667 to eventually allow all uses in the underlying C-3 zone, with the exception of a few specific auto-oriented uses. Both Ordinance 4884 and Ordinance 4937 applied only to Parcel 2 of Partition Plat 2006-57, and neither resulted in any changes to Ordinance 4667 (other than finalizing the “Future Development” area in the master plan approved by Ordinance 4667). Parcel 2 of Partition Plat 2006-57 was developed with a commercial structure that is currently the site of The Diner restaurant.

In 2007, the subject site was partitioned again by Partition Plat 2007-12 into the three parcels that exist today. These three parcels are the parcels included in the current Planned Development Amendment request (PDA 1-20).

Partition Plat 2007-12 is shown below:



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The applicant is requesting amendments to three of the existing conditions of approval in Ordinance 4667 and inclusion of two new conditions of approval, as described below:

- 1) Amend Condition 3 to remove stricken language:
~~“No building shall exceed the height of 35 feet.”~~
- 2) Amend Condition 7 to add the **bold** language:
 “That the subject site, outside of that area identified for “future development” is limited to professional office use, medical office use, **Multiple-Family Dwellings, community buildings appurtenant to residential uses** or other compatible, small-scale commercial uses such as a delicatessen, florist, or day care facility. Uses other than a professional office use, or medical office use, or **Multiple-Family Dwellings, community buildings appurtenant to residential uses** may not exceed fifteen (15) percent of the total floor area proposed to be constructed within the subject site.”
- 3) Amend Condition 16 to add **bold** language and remove the stricken language:
~~“That final development plans as approved by the Three Mile Lane Design Review Committee shall be placed on file with the Planning Department and become a part of the zone and binding on the owner developer.”~~

The developer will be responsible for requesting permission of the Planning Commission for any major change of the details of the adopted site plan. Minor changes to the details of the adopted plan may be approved by the City Planning Director. It shall be the Planning Director’s decision as to what constitutes a major or minor change. An appeal from a ruling by ~~him~~ **the Planning Director** may be made only to the Commission. Review of the Planning Director’s decision by the Planning Commission may be initiated at the request of any one of the commissioners.”

- 4) Add new Condition reflected in **bold** language:
“The master plan previously approved relating to Ordinance No. 4667 does not apply to the undeveloped portions of the subject site. An updated master plan shall be submitted to the Planning Commission for review and approval prior to any development of the existing, undeveloped portions of the subject site.”
- 5) Add new Condition reflected in **bold** language:
“If the site is developed as multiple family dwellings, an area equivalent to 10 percent of the gross area of the site shall be reserved for usable open space for residents of the multiple-family development site. The open space area shall be contained within the boundaries of the Subject Site and does not need to be contiguous. Area calculated and included as part of the 10 percent requirement must have dimensions of at least 20 feet. Any area may be located adjacent to the front yard setback area and may include 5 feet of the front yard set back towards the 10 percent open space. All open space areas may be counted towards the minimum 25 percent of the site area that must be landscaped.”

This land use request was considered in a public hearing by the McMinnville Planning Commission on July 16, 2020. The public hearing was closed at the same meeting, following which the Planning Commission deliberated and then voted to recommend that the Council consider and approve the land use application, subject to conditions of approval outlined in Ordinance No. 5095.

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Discussion:**Applicable Review Criteria**

The decision for this land-use application is dependent upon whether or not the application meets state regulations, the McMinnville Comprehensive Plan and the McMinnville Municipal Code (MMC). The application can either meet these criteria as proposed, or a condition of approval can be provided that either outlines what needs to occur to meet the criteria or when something needs to occur to meet the criteria. The ordinance under consideration has an attached decision documents that provides the Findings of Fact and Conclusionary Findings for each land-use application. This document outlines the legal findings on whether or not the application meets the applicable criteria and whether or not there are conditions of approval that if achieved put the application in compliance with the criteria.

The specific review criteria for Planned Development Amendments in Section 17.74.070 of the McMinnville Municipal Code require the applicant to demonstrate that:

- A. There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;
- B. Resulting development will not be inconsistent with the Comprehensive Plan objectives of the area;
- C. The development shall be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels;
- D. The plan can be completed within a reasonable period of time;
- E. The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area;
- F. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed;
- G. The noise, air, and water pollutants caused by the development do not have an adverse effect upon surrounding areas, public utilities, or the city as a whole.

The applicant has provided a written narrative and findings to support their request for a Planned Development Amendment. The narrative and findings are provided in the application materials, and are also reiterated and expanded upon in the Decision Document for the land use application.

Amendments to Planned Development Overlay District

The amendments requested by the applicant fall into a few general topic areas, which will be described below separately. Those include amendments to the uses allowed to allow multiple family residential, a proposed new condition requiring open space if the site is developed with multiple family residential uses, a removal of an existing limitation on building height, a revision to the master plan associated with the Planned Development Overlay District, and other procedural amendments to reflect current City review processes.

Multiple Family Residential Use

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The applicant is requesting to amend the existing list of allowed uses to allow multiple family dwellings, with their argument primarily being that the amendment would allow for the provision a housing type that is needed in the community and that the proposed use is permitted in the underlying C-3 (General Commercial) zoning district. Overall, the Planning Commission concurred with the applicant's arguments for the allowance of multiple family dwelling units on the subject site. The proposed amendment would provide additional benefits to the community and the City as a whole by expanding the allowable uses on the subject site and providing an opportunity for a variety of land uses in the area of the planned development overlay district. The proposal would provide greater flexibility in the development of land, encourage mixed uses in the planned area, and allow for the development of a housing type that is needed in the community. The subject site also meets most of the locational requirements in the Comprehensive Plan for higher density housing, with exception to the adjacency to open space which will be discussed in more detail below.

In addition, in both the most recently acknowledged Housing Needs Analysis and the more recently completed Draft Housing Needs Analysis, additional land for residential use and specifically higher density use is identified as needed. While the allowance of multiple family residential on the subject site would not increase the amount of land designated specifically for higher density residential use, it would increase the potential for the development of higher density residential uses on a property with an existing, underlying zone that already permits multiple family residential use (C-3 General Commercial zone).

Open Space for Multiple Family Residential Use

The applicant has acknowledged that the subject site does not meet locational requirements for higher density housing from the Comprehensive Plan, specifically that the site is not immediately adjacent to public or private open or park space. The applicant has also acknowledged that the City has required the development of usable open space in other scenarios where this condition exists. Therefore, the applicant has suggested a new condition of approval to require that a minimum of 10 percent of the gross area of the site be developed with usable open space if the site is developed with multiple family dwellings. This 10 percent size is consistent with recent City requirements of other Planned Development Overlay Districts that contain multiple family residential uses. The applicant requested some language within the new condition of approval to allow for more flexibility in the development of the usable open space than what has been required in other scenarios.

The City's previous precedent for open space in Planned Development Overlay Districts with multiple family uses was to require the usable open space to be a contiguous area with each dimension being at least 25 feet. The usable open space has previously been required to be located outside of the front yard setback area, and was also allowed to count towards the minimum 25 percent of the site that must be landscaped (per MMC landscaping requirements for multiple family uses). The applicant's request seeks flexibility to allow for the open space areas to not be contiguous, to be a minimum dimension of 20 feet, and to allow the open space to encroach up to 5 feet into a front yard. The applicant's intent for these changes is to allow for multiple areas for open space due to the size of the site and to allow flexibility in providing different forms of usable open space, such as a playground oriented towards children and another space with benches for adults without children.

The Planning Commission found that there may be benefit in having the flexibility to provide multiple areas for usable open space on the subject site. However, the Planning Commission found that the minimum size of a contiguous area that has been required of other sites should be required on this site as well for consistency. The Planning Commission did provide an option for the applicant to request the open space to be non-contiguous at the time of the submittal of an updated master plan for the site (which

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will be described in more detail below), which would allow an opportunity for the City to review and consider the non-contiguous open space and how it is integrated into the site. The Planning Commission did recommend that the other size and locational requirements for the usable open space be consistent with requirements of other sites. Therefore, the Planning Commission recommended a final condition to require the usable open space areas to be contiguous, unless approved by the Planning Commission during the review of the updated master plan. The condition specifies that the minimum dimension still be 25 feet and not be allowed in the front yard. The front yard in the case of the subject site will be the Stratus Avenue frontage, and the Planning Commission did not find that the usable open space should be allowed to be located in an area immediately adjacent to a minor collector street that is also a Highway 18 frontage road.

Building Height

The applicant is requesting that the existing condition of approval that limits building height to 35 feet be removed. Their arguments for removing this building height limitation include that the previously approved master plan that identified a single story office park may no longer be applicable, that taller buildings exist in the immediately surrounding area, and that the underlying zoning district allows taller building heights. The underlying zoning district of C-3 (General Commercial) allows building height up to 80 feet. If multiple family residential uses were allowed as requested by the applicant, the C-3 zone requires that multiple family residential use follow the requirements of the R-4 (Multiple Family Residential) zone, which allows building heights up to 60 feet. The applicant has also cited other examples of taller buildings in the areas surrounding the site, including the Comfort Inn and Suites (which is within the same Planned Development Overlay District), Willamette Valley Medical Center across Norton Lane, and the Chemeketa Community College building across Highway 18.

Staff reviewed the original land use application materials (CPA 3-98 and ZC 6-98) from the applications that led to the adoption of Ordinance 4667 and the existing Planned Development Overlay District, in an effort to determine what the rationale or reasoning was for including the 35 foot building height limitation. Staff was not able to identify any specific language in the staff report, decision document, or minutes that provided reasoning for the 35 foot building height limitation. It was suggested as a condition of approval by staff in the staff report at that time, and was eventually included in the final decision of the City Council. The land use application at that time included building plans for the office park that is shown in the previously approved master plan. Those building plans identify the office park buildings being single story, and may have been the reason that the building height was limited at that time. As noted in the Background section above, only one of these buildings was ever developed, that being the existing single story medical office building on the southeastern portion of the Planned Development Overlay District immediately adjacent to Norton Lane.

However, the same 35 foot building height limitation is included on a number of Planned Development Overlay Districts in the Three Mile Lane corridor. This may have been intentional to limit building form and bulk from dominating the horizon along the corridor, where there is also a minimum 120 foot setback from the center of the highway and a pattern of lower-scale and horizontal building forms with distinctive roof features and patterns.

In further analyzing the history of the subject site and the land use decisions that have occurred, staff determined that the existing condition #3 in Ordinance 4667 was actually amended at the time of the development of the Comfort Inn and Suites building. In 2006, Ordinance 4851 was adopted and amended condition #3 in Ordinance 4667 to allow buildings up to 45 feet in height, but only applied to Parcel 1 of Partition Plat 2006-57 (referred to as Tax Lot 401 at the time and in Ordinance 4851). Parcel 1 of Partition

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Plat 2006-57 is the property of the Comfort Inn and Suites building. Ordinance 4851 amended condition #3 from Ordinance 4667 as follows:

“No building shall exceed the height of 35 feet, with the exception that tax lot 401 may be developed with a hotel with a maximum height of 45 feet, consistent with the drawing and plan submitted to the City as part of Docket ZC 10-05.”

At that point in time, the City had determined that a building height of 45 feet was acceptable for a parcel within the Planned Development Overlay District. However, this previous allowance for a height of 45 feet was only approved after more detailed building plans had been submitted to ensure the development was compatible with the Three Mile Lane Planned Development Overlay District.

The applicant’s request for the removal of the building height limitation is to allow for flexibility in the process of developing plans for the buildings on the subject site. The Planning Commission found that this additional flexibility could be consistent with the purpose of the Planned Development Overlay District, which includes allowing for greater flexibility and greater freedom of design in the development of land, to facilitate a desirable aesthetic and efficient use of open space, and to create public and private common open spaces. However, the Planning Commission is recommending that additional information should be required prior to allowing building heights to exceed the current limitation of 35 feet. Other existing and new conditions of approval still require that an updated master plan (condition #22 described in more detail below) and detailed building plans (condition #2) to be submitted to the City for review. These future review processes will allow for more detailed analysis of building design and how those buildings are oriented on the site, which will provide an opportunity for the City to address and mitigate any potential impact of a taller building on the subject site.

Based on those future review opportunities, the Planning Commission is recommending that, instead of removing the building height limitation entirely at this point in time, the condition related to building height be updated to provide an opportunity for the applicant to request additional building height at the time that the updated master plan and building plans are submitted for review by the City. The Planning Commission is recommending that the condition require that the request for additional building height include an analysis and survey of the height and setback of surrounding buildings in the Three Mile Lane Planned Development Overlay District, and that the height and setback of any proposed building on the subject site is similar to and consistent with the height and form of other buildings in the Three Mile Lane corridor and Three Mile Lane Planned Development Overlay District. The recommended condition also specifies that the Planning Commission would review the request for additional building height, and that the Planning Commission would also take into consideration the proposed architectural and building form for its compatibility with the architecture and building form of other buildings in the Three Mile Lane Planned Development Overlay District.

Master Plan

As discussed in detail in the Background section above, the original master plan adopted by Ordinance 4667 identified the development of an office park within the Planned Development Overlay District. Obviously, this master plan would not allow for the development of multiple family residential uses in a manner that would be functional for the type of use or beneficial for the future residents. Therefore, the applicant is requesting a new condition to state that the master plan previously approved by Ordinance 4667 not apply to the undeveloped portions of the site (which are the three parcels subject to the current Planned Development Amendment request). The applicant’s proposed condition would require that an updated master plan be submitted to the Planning Commission for review and approval prior to any development taking place.

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Staff and the Planning Commission support this request, as the existing master plan is now over 20 years old and is not functional for the uses that may be allowed to be developed on the site, should the allowed uses be amended to include multiple family residential uses. However, in order to preserve the previous approvals and developments that have occurred in other portions of the Planned Development Overlay District, the Planning Commission is recommending some changes to the new condition of approval. The changes would require that the updated master plan identify existing developed portions of the Planned Development Overlay District, and that it would replace the previously approved master plan. The condition would require that the master plan incorporate all necessary shared access, parking, and utility easements to allow the existing developed portions of the Planned Development Overlay District to continue to operate without disruption. The condition would also specify that the updated master plan be reviewed by the Planning Commission, be processed as a Planned Development Amendment but with the Planning Commission making the final decision, and that the master plan review would be subject to the Planned Development Amendment review criteria and the Great Neighborhood Principles in the McMinnville Comprehensive Plan.

Procedural Amendments

The applicant had requested one procedural amendment to reflect the correct review process for future development of the site, which was to remove language from condition #16. However, after further analysis of the existing conditions of approval in Ordinance 4667 against the City's current development review processes and the other amendments to the Planned Development Overlay District being requested by the applicant, staff had identified some other procedural amendments that could be made as part of the current Planned Development Amendment process. These procedural amendments were reviewed by the Planning Commission and were recommended to include:

- Changes to condition #2 to reference the Three Mile Lane Development Review process that is currently followed by the City to satisfy the development review process required in the overarching Three Mile Lane Planned Development Overlay District (Ordinances 4131 and 4572). Three Mile Lane Development Review applications are currently reviewed by the Planning Director, as described in the application review process in MMC Section 17.72.110 (Applications – Director's Review with Notification). Appeals of that review process are captured by MMC Section 17.72.170, so the appeal language in the existing condition #2 is proposed to be removed.
- Changes to condition #16 to clarify that only the final master plan approved for the Planned Development Overlay District become part of the zone and binding on the owner and developer.
- Removal of language in condition #20 that is related to a change to the previously adopted master plan. This language required the removal of four specific parking spaces from the previously approved master plan. As requested by the applicant, the previously approved master plan would no longer be applicable to the subject site, so this language is proposed to be removed.

Summary of Public Hearing Process

The Planned Development Amendment (PDA 1-20) application was considered during a public hearing by the McMinnville Planning Commission on July 16, 2020, after the public hearing was noticed in the News Register and mailed to surrounding property owners as required by the MMC. The Planning Department did not receive any written testimony prior to the public hearing. One item of oral testimony was provided during the public hearing, which was in support of the application. The public hearing was closed at the same meeting, following which the Planning Commission deliberated and then voted to recommend that the Council consider and approve the land use application, subject to conditions of approval outlined in Ordinance No. 5095 and as described below.

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Planning Commission’s Recommended Conditions of Approval

Due to the complex history of the multiple land use decisions that apply to this Planned Development Overlay District, staff had suggested that the current conditions of approval from Ordinance 4667 and Ordinance 4851 be combined into the Decision Document for the current Planned Development Amendment (PDA 1-20), along with any additional amendments to the conditions resulting from the current request. This will provide clarity for the property owners, any future developers, and the City by carrying forward all conditions in one approval document.

Therefore, the Planning Commission is recommending the following conditions of approval, if the City Council supports the approval of the Planned Development Amendment (PDA 1-20) request:

1. That the conditions of approval of Ordinance 4667, as amended by Ordinance 4851, be amended as follows (text to be removed is shown with ~~strikeout~~, text to be added is **bold and underlined**):
 1. That landscape plans be submitted to and approved by the McMinnville Landscape Review Committee. A minimum of 14 percent of the site must be landscaped with emphasis placed at the street frontages. An arborvitae hedge or some similar type of planted visual screen shall be required along the property lines adjacent to residentially zoned lands. Street tree planting, as required by the City's tree ordinance, shall be provided as well.
 2. Detailed plans showing building elevations, site layout, signage, landscaping, parking, and lighting must be submitted to and approved **through the Three Mile Lane Development Review application process** ~~by the McMinnville Three Mile Lane Design Review Committee~~ before actual development may take place. To the extent possible, the site and building design should be compatible with surrounding development. The provisions of Chapter 17.51 of the McMinnville Zoning Ordinance may be used to place conditions on any development and to determine whether or not specific uses are permissible. ~~The applicant may appeal the decision of the Three Mile Lane Design Review Committee to the Planning Commission if notice of intent to appeal is filed in the Planning Department office within fifteen (15) days of the Committee's decision.~~
 3. No building shall exceed the height of 35 feet, with the exception that tax lot 401 may be developed with a hotel with a maximum height of 45 feet, consistent with the drawing and plan submitted to the City as part of Docket ZC 10-05.

The applicant may request additional building height in excess of 35 feet for any future building on Parcel 1, Parcel 2, or Parcel 3 of Partition Plat 2007-12, if the request is made at the time of the submittal of the updated master plan and detailed building plans described in Condition 2 and Condition 22. The applicant’s request for additional building height shall include an analysis and survey of the height and setback of surrounding buildings in the Three Mile Lane Planned Development Overlay District. The height and setback of any proposed building on Parcel 1, Parcel 2, or Parcel 3 of Partition Plat 2007-12 shall be similar to and consistent with the height and form of other buildings in the Three Mile Lane corridor and Three Mile Lane Planned Development Overlay District. The Planning Commission shall review and make a decision on the request for additional building height. The Planning Commission shall also take into consideration the proposed architectural

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and building form, and its compatibility with the architecture and building form of other buildings in the Three Mile Lane Planned Development Overlay District.

4. That if outside lighting is to be provided, it must be directed down and away from residential areas and public streets.
5. That the subject site, for purposes of signage, shall be redesignated to be a zone 3 property on the Three Mile Plan Map as contained in City Ordinance No. 4572. The entire parcel shall be entitled to two "monument" signs - one serving the entrance to the office complex and one serving the commercial area at the northeast corner of the site. These signs shall conform to the standards as set forth in the City Ordinance No. 4572.
6. All business, storage, or displays shall be conducted wholly within an enclosed building; except for off-street parking and loading. No drive up food service or beverage facility or facilities shall be permitted on the subject site.
7. That the subject site, outside of that area identified for "future development" is limited to professional office use, medical office use, **multiple-family dwellings, community buildings appurtenant to residential uses,** or other compatible, small-scale commercial uses such as a delicatessen, florist, or day care facility. Uses other than professional office use, ~~or medical office use,~~ **multiple-family dwellings, or community buildings appurtenant to residential uses** may not exceed fifteen (15) percent of the total floor area proposed to be constructed within the subject site.

If the site is developed as multiple family dwellings, a minimum of 10 percent of the gross area of the site shall be reserved for usable open space for residents of the multiple-family development site. The open space area shall be contained within the boundaries of the parcel or parcels being developed and shall be contiguous. The open space area may be non-contiguous if approved by the Planning Commission at the time of the review of the updated master plan, as described in Condition 22. Area calculated and included as part of the 10 percent open space requirement shall have dimensions of at least 25 feet in length and shall be located outside of the front yard setback area. All usable open space areas may be counted towards the minimum 25 percent of the site area that must be landscaped.

8. That this zone change shall not take effect until and unless CPA 3-98 is approved by the City Council.
9. That the conceptual master plan for that portion of the applicant's property identified for "future development" shall in no way be binding on the City.
10. That if restrictive covenants are proposed for the development they must meet with the approval of the Planning Director.
11. That the Planning Director shall be granted authority to amend the submitted site plan as may be necessary to accommodate the requirements of the Oregon Department of Transportation. All amendments shall be consistent with the City's development codes.
12. That a drainage and grading plan be submitted to the City Engineer for review and approval prior to the issuance of any development permits. At a minimum, the plan should

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include the finished grades of proposed public streets, and the nature and extent of street and utility construction. Where any cut or fill will exceed three feet in depth, a cross section shall also be submitted.

13. That utilities shall be extended to the property (or project) boundaries by the applicant, as may be required by the City Engineer or McMinnville Water and Light.
14. That any and all fill in areas of proposed construction of buildings shall be engineered and shall meet the approval of the Building Department.
15. That areas identified on the submitted site plan for future development shall be subject to the requirements of this zone change approval.
16. That ~~the final master plan development plans as approved by the Three Mile Lane Design Review Committee~~ shall be placed on file with the Planning Department and become a part of the zone and binding on the owner and developer.

The developer will be responsible for requesting permission of the Planning Commission for any major change of the details of the adopted site master plan. Minor changes to the details of the adopted plan may be approved by the City Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by ~~him~~ the Planning Director may be made only to the Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the commissioners.

17. That the applicant secure from the Oregon Department of Transportation (ODOT) a permit for access to Highway 18, and the south frontage road, pursuant to OAR 734-50 (Highway Approach Roads, Crossings, Access Control, and Weight Restrictions). Evidence of such permit shall be required prior to release of any permits for this project.
18. That improvements to the Highway 18 frontage, as required by ODOT and the City of McMinnville, be done at the applicant's expense and be finalized prior to occupancy.
19. That the subject site is subject to the provisions of the Three Mile Lane Planned Development Ordinance, as amended.
20. That ~~the proposed off-street parking lot be amended by removing the four spaces adjacent to the frontage road nearest the area proposed for "future development" and in their place provide landscaping.~~ In addition, the applicant shall agree to in the future close the proposed southern access to Norton Lane, if warranted by the development of the property to the south.
21. That the owner must grant to the Willamette Valley Medical Center and the City of McMinnville the right to cause all airspace above the surface of the subject site such noise, vibrations, fumes, dust, fuel particles, and all other effects as may be caused by the operation of aircraft landing at or taking off from or operating at or on the Medical Center property and the McMinnville Municipal Airport. The owner must fully waive any right or cause of action which he may now or in the future raise against the Willamette Valley Medical Center and the City of McMinnville due to such circumstances noted above.

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22. That an updated master plan shall be submitted to the Planning Commission for review and approval prior to any development of Parcel 1, Parcel 2, or Parcel 3 of Partition Plat 2007-12. The updated master plan shall replace the previously approved master plan and shall identify existing developed portions of the Planned Development Overlay District. The master plan shall incorporate necessary shared access, parking, and utility easements to allow the existing developed portions of the Planned Development Overlay District to continue to operate without disruption.

The review of the updated master plan shall be processed as a Planned Development Amendment, but the Planning Commission shall make the final decision on the updated master plan. The updated master plan shall be reviewed against the Planned Development Amendment review criteria in Section 17.74.070 of the McMinnville Municipal Code, and also against the Great Neighborhood Principles in Policy 187.50 of the McMinnville Comprehensive Plan.

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Fiscal Impact:

None.

Alternative Courses of Action:

- 1. **ADOPT** Ordinance No. 5095 approving PDA 1-20 and adopting the Decision, Findings of Fact and Conclusionary Findings.
- 2. **ELECT TO HOLD A PUBLIC HEARING** date specific to a future City Council meeting. The 120 day land use decision time limit expires on October 20, 2020. In order to hold a public hearing and meet all necessary noticing requirements, as well as provide time for the potential procedures for City Council action following the public hearing, the public hearing would need to be scheduled for the September 8, 2020 City Council meeting.
- 3. **DO NOT ADOPT** Ordinance No. 5095, providing findings of fact based upon specific code criteria to deny the application in the motion to not approve Ordinance No. 5095.

Recommendation:

Staff recommends that the Council adopt Ordinance No. 5095 which would approve PDA 1-20 as recommended by the Planning Commission.

“THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, I MOVE TO ADOPT ORDINANCE NO. 5095.”

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